



IFW/DAC

PTO/SB/21 (02-04)

Approved for use through 07/31/2006. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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**TRANSMITTAL  
FORM**

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

40

Application Number

10/664,839

Filing Date

September 16, 2003

First Named Inventor

Tim Clarot

Art Unit

1615

Examiner Name

To be Assigned.

Attorney Docket Number

33205.1900

**ENCLOSURES (Check all that apply)**

Fee Transmittal Form



Fee Attached



Amendment/Reply



After Final



Affidavits/declaration(s)



Extension of Time Request



Express Abandonment Request



Information Disclosure Statement



Certified Copy of Priority Document(s)

Response to Missing Parts/  
Incomplete ApplicationResponse to Missing Parts  
under 37 CFR 1.52 or 1.53

Drawing(s)



Licensing-related Papers



Petition

Petition to Convert to a  
Provisional Application

Power of Attorney, Revocation



Change of Correspondence Address



Terminal Disclaimer



Request for Refund



CD, Number of CD(s) \_\_\_\_\_

After Allowance communication  
to Technology Center (TC)Appeal Communication to Board  
of Appeals and InterferencesAppeal Communication to TC  
(Appeal Notice, Brief, Reply Brief)

Proprietary Information



Status Letter

Other Enclosure(s) (please  
Identify below):

Postcard

**Remarks**

RENEWED PETITION being filed pursuant to Dismissal dated 9/14/04. Copy of such is also enclosed.

**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT**

Firm

or

Individual name

Wendy S. Neal, Reg. No. 45,615

SNELL &amp; WILMER, L.L.P.

Signature

Date

November 12, 2004

**CERTIFICATE OF TRANSMISSION/MAILING**

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.

Typed or printed name

Manuel A. Rivera

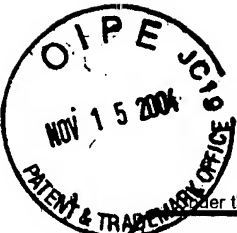
Signature

Date

November 12, 2004

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



\$

PTO/SB/17 (10-03)  
Approved for use through 07/31/2006. OMB 0651-0032  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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# FEE TRANSMITTAL for FY 2004

Effective 10/01/2003. Patent fees are subject to annual revision.

☐ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$ ) 130.00

## Complete if Known

Application Number	10/664,839
Filing Date	September 16, 2003
First Named Inventor	Tim Clarot
Examiner Name	To be Assigned
Art Unit	1615
Attorney Docket No.	33205.1900

## METHOD OF PAYMENT (check all that apply)

☐ Check ☐ Credit card ☐ Money Order ☐ Other ☐ None

☒ Deposit Account:

Deposit Account Number: 19-2814  
Deposit Account Name: Snell & Wilmer LLP

The Director is authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☒ Credit any overpayments

☒ Charge any additional fee(s) or any underpayment of fee(s)

☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

## FEE CALCULATION

### 1. BASIC FILING FEE

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1001	770	2001	385	Utility filing fee	
1002	340	2002	170	Design filing fee	
1003	530	2003	265	Plant filing fee	
1004	770	2004	385	Reissue filing fee	
1005	160	2005	80	Provisional filing fee	
SUBTOTAL (1)					(\$ )

### 2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

Total Claims:  - 20\*\* =  X  =   
Independent Claims:  - 3\*\* =  X  =   
Multiple Dependent:  =

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1202	18	2202	9	Claims in excess of 20	
1201	86	2201	43	Independent claims in excess of 3	
1203	290	2203	145	Multiple dependent claim, if not paid	
1204	86	2204	43	** Reissue independent claims over original patent	
1205	18	2205	9	** Reissue claims in excess of 20 and over original patent	
SUBTOTAL (2)					(\$ )

\*\*or number previously paid, if greater; For Reissues, see above

## FEE CALCULATION (continued)

### 3. ADDITIONAL FEES

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1051	130	2051	65	Surcharge - late filing fee or oath	
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet	
1053	130	1053	130	Non-English specification	
1812	2,520	1812	2,520	For filing a request for <i>ex parte</i> reexamination	
1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action	
1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action	
1251	110	2251	55	Extension for reply within first month	
1252	420	2252	210	Extension for reply within second month	
1253	950	2253	475	Extension for reply within third month	
1254	1,480	2254	740	Extension for reply within fourth month	
1255	2,010	2255	1,005	Extension for reply within fifth month	
1401	330	2401	165	Notice of Appeal	
1402	330	2402	165	Filing a brief in support of an appeal	
1403	290	2403	145	Request for oral hearing	
1451	1,510	1451	1,510	Petition to institute a public use proceeding	
1452	110	2452	55	Petition to revive - unavoidable	
1453	1,330	2453	665	Petition to revive - unintentional	
1501	1,330	2501	665	Utility issue fee (or reissue)	
1502	480	2502	240	Design issue fee	
1503	640	2503	320	Plant issue fee	
1460	130	1460	130	Petitions to the Commissioner	130.00
1807	50	1807	50	Processing fee under 37 CFR 1.17(q)	
1806	180	1806	180	Submission of Information Disclosure Stmt	
8021	40	8021	40	Recording each patent assignment per property (times number of properties)	
1809	770	2809	385	Filing a submission after final rejection (37 CFR 1.129(a))	
1810	770	2810	385	For each additional invention to be examined (37 CFR 1.129(b))	
1801	770	2801	385	Request for Continued Examination (RCE)	
1802	900	1802	900	Request for expedited examination of a design application	

Other fee (specify) \_\_\_\_\_

\*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$ ) 130.00

## SUBMITTED BY

Name (Print/Type): Wendy S. Neal  
Signature:

Registration No. 45,615  
(Attorney/Agent)

(Complete if applicable)

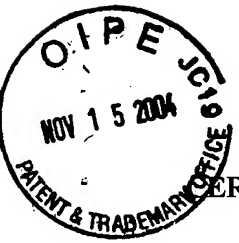
Telephone 602 382-6334

Date November 12, 2004

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

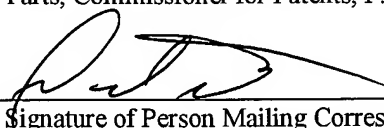


Serial No.: 10/664,839

**CERTIFICATE OF MAILING**

I certify that this document and fee is being deposited with the U.S. Postal Service as First Class Mail under 37 C.F.R. §1.8 and is addressed to Mail Stop Missing Parts, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Date: November 12, 2004

  
Signature of Person Mailing Correspondence

**IN THE UNITED STATES PATENT AND  
TRADEMARK OFFICE**

**PATENT**

Applicant(s):	Tim Clarot, et al.	Docket No.:	33205.1900
Serial No.:	10/664,839	Group Art Unit:	1615
Date Filed:	September 16, 2003	Examiner:	TBA
Title:	<b>SYSTEM FOR DELIVERING A COMPOSITION TO THE NASAL MEMBRANE AND METHOD OF USING SAME</b>	Confirmation No.:	4908

***PETITION PURSUANT TO 37 C.F.R. §1.47(a)***

Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

Dear Commissioner:

Pursuant to 37 C.F.R. §1.47(a), Applicants hereby petition the Commissioner to accept the above captioned application from inventor Tim Clarot on behalf of himself and on behalf of inventor Charles Hensley, who cannot be reached.

This petition is accompanied by or otherwise refers to the following:

- (a) A copy of the Original Declaration showing the signature of all of the available joint inventors with the signature block of the nonsigning inventor, Charles Hensley, left blank;
- (b) A Statement of Facts pursuant to 37 C.F.R. §1.47(a) executed by Kelley A. Rasmussen, a person who has firsthand knowledge of the facts recited therein, and which fully describes the diligent efforts made to contact the unreachable inventor Charles Hensley; and
- (c) A statement of last known address.

11/16/2004 HDEMESS1 00000015 192814 10664839

01 FC:1460 130.00 DA

1594067

**BEST AVAILABLE COPY**

With respect to element (a), the Original Declaration was filed with the Patent and Trademark Office in Applicant's first Petition under 37 C.F.R. §1.47(a) on May 5, 2004. Applicant respectfully requests that such original Declaration be used in conjunction with this new Petition. A copy of said Declaration has been provided for your review.

With respect to element (c), applicants respectfully submit that the last known home address of Charles Hensley, the unreachable inventor, is:

Charles Hensley  
312 North Catalina Avenue, Unit A  
Redondo, California 90277

Additionally, with respect to element (c), applicants respectfully submit that the last known business address of Charles Hensley, the unreachable inventor, is:

Charles Hensley  
300 Oceangate Blvd.  
Suite 910  
Long Beach, California 90802

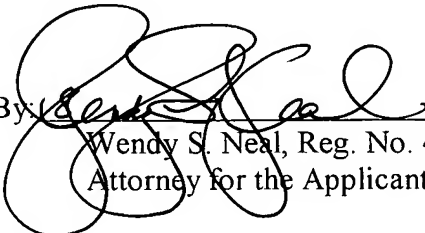
Having satisfied the requirements for filing an application and declaration when an inventor cannot be reached as set forth in 37 C.F.R. §1.47(a) and MPEP §409.03, on behalf of the above listed inventor, the undersigned respectfully requests the Commissioner to grant this petition under 37 C.F.R. §1.47. The undersigned requests a telephone call at (602) 382-6334 if such would in any way facilitate the granting of this petition.

Respectfully submitted,

Date:

12 November 2004

By:

  
Wendy S. Neal, Reg. No. 45,615  
Attorney for the Applicants

**SNELL & WILMER L.L.P.**

One Arizona Center  
400 East Van Buren  
Phoenix, AZ 85004-2202  
(602) 382-6334  
(602) 382-6070 - Facsimile



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
P.O. Box 1450  
ALEXANDRIA, VA 22313-1450  
www.uspto.gov



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**SEP 20 2004**

**SNELL & WILMER**

JGJR.: 09-04

Paper No: \_\_\_\_

CLP

SNELL & WILMER  
ONE ARIZONA CENTER  
400 EAST VAN BUREN  
PHOENIX AZ 85004-0001

**COPY MAILED**

**SEP 14 2004**

**OFFICE OF PETITIONS**

In re Application of  
Clarot, et al.  
Application No. 10/664,839  
Filed: 16 September, 2003  
Attorney Docket No. 33205.1900

ON PETITION

This is a decision on the petition under ¶(a) of 37 C.F.R. §1.47, filed on 10 May, 2004.

The petition is **DISMISSED**.

**NOTES:**

- (1) Any reply must include a renewed petition (and fee) must include a petition under 37 C.F.R. §1.47 and must be submitted within two (2) months from the mail date of this decision. Extensions of time under 37 C.F.R. §1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Petition under 37 C.F.R. §1.47";
- (2) Thereafter, there will be no further reconsideration of this matter.

**BACKGROUND**

The record indicates:

NOTED FOR RECEIPT

*Response 11-14-04*

- the application was filed on 16 September, 2003, without, *inter alia*, a fully executed oath or declaration; and
- on 5 December, 2003, the Office mailed a Notice to File Missing Parts with a reply due absent extension of time on or before 5 February, 2004;
- on 10 May, 2004 (over a 5 May, 2004, certificate of mailing), Petitioner filed, *inter alia* (a request and fee for a three- (3-) month extension) an oath/declaration signed by named inventor Tim Clarot, but without the signature of Charles Hensley (Mr. Hensley), a petition under 37 C.F.R. §1.47, and narrative by Petitioner Wendy S. Neal (Reg. No. 45,615) and Kelley A. Rasmussen of Matrixx Initiatives, however, while the statement suggests that a copy of the application may have been provided to Mr. Hensley, it does not appear from the transmittal that the entire application was sent to Mr. Hensley as required by statute and regulation.

#### ANALYSIS

The regulations at 37 C.F.R. §1.47 provide in pertinent part:

**§ 1.47 Filing when an inventor refuses to sign or cannot be reached.**

(a) If a joint inventor refuses to join in an application for patent or cannot be found or reached after diligent effort, the application may be made by the other inventor on behalf of himself or herself and the nonsigning inventor. The oath or declaration in such an application must be accompanied by a petition including proof of the pertinent facts, the fee set forth in § 1.17(h), and the last known address of the nonsigning inventor. The nonsigning inventor may subsequently join in the application by filing an oath or declaration complying with §1.63.

\* \* \*

The regulations at 37 C.F.R. §1.63 provide in pertinent part:

**§1.63 Oath or declaration.**

(b) In addition to meeting the requirements of paragraph (a) of this section, the oath or declaration must also:

(1) Identify the application to which it is directed;

(2) State that the person making the oath or declaration has reviewed and understands the contents of the application, including the claims, as amended by any amendment specifically referred to in the oath or declaration; and

(3) State that the person making the oath or declaration acknowledges the duty to disclose to the Office all information known to the person to be material to patentability as defined in § 1.56.

Thus, a copy of the entire application must be sent to the last known address of the non-signing inventor (or the estate representative) with a request that he/she sign the declaration for the patent application--and evidence of that transmittal submitted.

And a reasonable effort must be made to ascertain a current or last known address.

Alternatively, an oath or declaration for the patent application in compliance with 37 C.F.R. §§1.63 and 1.64 must be presented.

The declaration must set forth the inventor's residence, citizenship and post office address. An oath or declaration in compliance with 37 C.F.R. §§1.63 and 1.64 signed by the Rule 1.47 applicant is required.<sup>1</sup>

### CONCLUSION

The materials submitted thus far do not clearly evidence that the entire application was sent to the alleged non-signing inventor after a reasonable effort is made to determine a current valid address for the non-signing inventor. Petitioner should submit a copy of the transmittal letter and should state the address in the petition over Petitioner's signature and registration number.

Therefore, the instant petition hereby is dismissed.

Further correspondence with respect to this matter should be addressed as follows:

By mail: (Effective 1 May, 2003)<sup>2</sup>  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

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<sup>1</sup> See: MPEP 409.03(b).

<sup>2</sup> To determine the appropriate addresses for other subject-specific correspondence, refer to the USPTO Web site at [www.uspto.gov](http://www.uspto.gov).

By FAX: IFW Formal Filings  
(703) 872-9306  
(Effective 28 September, 2004: (571-273-0025)  
ATTN.: Office of Petitions

By hand: Mail Stop: Petition  
Customer Service Window  
Lobby/Room 1B03  
Crystal Plaza Two  
220 20<sup>th</sup> Street S.  
Arlington, VA 22202

Telephone inquiries regarding this decision should be directed to the undersigned at 703-305-9199.

(~~303~~) 272-3214  
(571)



John J. Gillon, Jr.  
Senior Attorney  
Office of Petitions





**PATENT**

**IN THE UNITED STATES PATENT AND  
TRADEMARK OFFICE**

Applicant(s):	Clarot et al.	Docket No.:	33205.1900
Serial No.:	10/664,839	Examiner:	To Be Assigned
Filed:	September 16, 2003	Group Art Unit:	
Title:	SYSTEM FOR DELIVERING A COMPOSITION TO THE NASAL MEMBRANE AND METHOD OF USING SAME		

**DECLARATION FOR PATENT APPLICATION**

As a below named inventor(s), I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am an original, first and joint inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled "SYSTEM FOR DELIVERING A COMPOSITION TO THE NASAL MEMBRANE AND METHOD OF USING SAME" the specification of which:

- ☐ is attached hereto.  
☒ was filed on September 16, 2003 as Application Serial No. 10/664,839 and was amended on \_\_\_\_\_.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the examination of this application in accordance with 37 C.F.R. §1.56.

I hereby claim foreign priority benefits under 35 U.S.C. § 119(a)-(d) or § 365(b) of any foreign application(s) for patent or inventor's certificate, or § 365(a) of any PCT International application which designated at least one country other than the United States, listed below and have also identified below, by checking the box, any foreign application for patent or inventor's certificate, or PCT International application having a filing date before that of the application on which priority is claimed.

Priority Not Claimed

[ ]

Number Country Filing Date

[ ]

Number Country Filing Date

I hereby claim the benefit under 35 U.S.C. § 119(e) of any United States provisional application(s) listed below.

60/411,463 16 Sep 02  
Application Number Filing Date

Application Number Filing Date

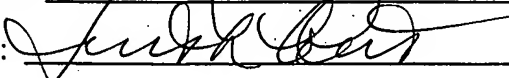
I hereby claim the benefit under 35 U.S.C. §120 of any United States application(s), or §365(c) of any PCT International application designating the United States, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of 35 U.S.C. §112, I acknowledge the duty to disclose material information as defined in 37 C.F.R. §1.56 which occurred between the filing date of the prior application and the national or PCT international filing date of this application.

Application Serial No. Filing Date Status — Patent, Pending, Abandoned

Application Serial No. Filing Date Status — Patent, Pending, Abandoned

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of inventor: Tim Clarot

Inventor's signature:  Date: 1/10/03

Residence: 1601 East Highland, Unit #1176, Phoenix, Arizona 85016

Citizenship: United States of America

Full name of inventor: Charles Hensley

Inventor's signature: \_\_\_\_\_ Date: \_\_\_\_\_

Residence: 312 North Catalina Avenue, Unit A, Redondo, California 90277

Citizenship: United States of America



Serial No.: 10/664,839

IN THE UNITED STATES PATENT AND  
TRADEMARK OFFICE

PATENT

Applicant(s):	Tim Clarot, et al.	Docket No.:	33205.1900
Serial No.:	10/664,839	Group Art Unit:	1615
Date Filed:	September 16, 2003	Examiner:	TBA
Title:	<b>SYSTEM FOR DELIVERING A COMPOSITION TO THE NASAL MEMBRANE AND METHOD OF USING SAME</b>	Confirmation No.:	4908

*STATEMENT OF FACTS PURSUANT TO 37 C.F.R. §1.47(a)*

I, Kelley A. Rasmussen of Matrixx Initiatives, Inc., and a person who has firsthand knowledge of the facts recited herein, have made numerous attempts to reach joint inventor Dr. Charles Hensley, as set forth below.

On November 14, 2003, I sent a full and complete copy of the above-referenced patent application as originally filed, including all pages of the specification, all claims, and all drawing figures, along with a Declaration for Patent Application and instructions for executing the same, to Dr. Hensley's office address at 200 Ocean Gate, Suite 1560, Long Beach, CA 90802. Copies of the overnight courier airbill along with the tracking details showing non-delivery are attached hereto as Exhibit A.

On November 14, 2003, I sent a second package enclosing a full and complete copy of the above-referenced patent application as originally filed, including all pages of the specification, all claims, and all drawing figures, along with a Declaration for Patent Application and instructions for executing the same, to Dr. Hensley's home address at 312 N. Catalina Ave, Unit A, Redondo, CA 90277. Copies of the overnight courier airbill along with the tracking details showing delivery of the package are attached hereto as Exhibit B.

On or about November 18, 2003, overnight courier confirmation was received indicating that the application and Declaration were received and accepted at Dr. Hensley's home. See Exhibit B.

On or about November 24, 2003, I placed a telephone call to and left a voicemail message at Dr. Hensley's residence to confirm Dr. Hensley's receipt of the application and Declaration.

On or about December 11, 2003, and after numerous telephone call attempts to reach Dr. Hensley, I left a second voicemail message at a new number, (562) 983-0020, regarding the need for Dr. Hensley to execute the Declaration and return it for filing in this application.

On or about December 11, 2003, I sent a third package enclosing a full and complete copy of the above-referenced patent application as originally filed, including all pages of the specification, all claims, and all drawing figures, along with a Declaration for Patent Application and instructions for executing the same, to Dr. Hensley's office address at 300 Oceangate Blvd., Suite 910, Long Beach, CA 90802. Copies of the overnight courier airbill along with the tracking details showing delivery of the package are attached hereto as Exhibit C.

On or about December 11, 2003, I attempted to contact Dr. Hensley via e-mail at [info@prbpharmaceuticals.com](mailto:info@prbpharmaceuticals.com). Copies of the email communication along with its undeliverable message are also enclosed as Exhibit D.

On or about December 12, 2003, overnight courier confirmation was received indicating that the application and Declaration were received and accepted at Dr. Hensley's office by his assistant Cathy Valesco. See Exhibit C.

On or about January 8, 2004, I sent a fourth package enclosing a full and complete copy of the above-referenced patent application as originally filed, including all pages of the specification, all claims, and all drawing figures, along with a Declaration for Patent Application and instructions for executing the same, to Dr. Hensley's home address at 312 N. Catalina Ave, Unit A, Redondo, CA 90277. Copies of the overnight courier airbill along with the tracking details showing delivery of the package are attached hereto as Exhibit E.

On or about January 9, 2004, overnight courier confirmation was received indicating that the application and Declaration were received and accepted at Dr. Hensley's home. See Exhibit E.

On or about January 19, 2004, I again attempted to contact Dr. Hensley via telephone and left a voicemail message.

On or about January 19, 2004, I sent a fifth package enclosing a full and complete copy of the above-referenced patent application as originally filed, including all pages of the specification, all claims, and all drawing figures, along with a Declaration for Patent Application and instructions for executing the same, to Dr. Hensley's office address at 200 Ocean Gate, Suite 1560, Long Beach, CA 90802. A copy of the overnight courier airbill along with the tracking details showing delivery of the package to the Redondo Beach, CA address are attached hereto as Exhibit F.

On or about January 20, 2004, overnight courier confirmation was received indicating that the application and declaration were received and accepted at Dr. Hensley's home. See Exhibit F.

On or about October 14, 2004, I sent a sixth package enclosing a full and complete copy of the above-referenced patent application as originally filed, including all pages of the specification, all claims, and all drawing figures, along with a Declaration for Patent Application and instructions for executing the same, to Dr. Hensley's home address at 312 N. Catalina Ave, Unit A, Redondo, CA 90277. A copy of the transmittal letter and overnight courier airbill along with the tracking details showing delivery of the package to the Redondo Beach, CA address are attached hereto as Exhibit G.

Despite diligent efforts to contact Dr. Hensley via overnight courier, e-mail, and telephone, I have been unable to obtain Dr. Hensley's signature on the Declaration for Patent Application.

Serial No.: 10/664,839

All above statements are true and correct and I confirm that all available steps to locate the whereabouts of the joint inventor, Charles Hensley, have been undertaken. Nonetheless, the nonsigning inventor could not be found or reached.

Respectfully submitted,

Date: 11-10-04

By: 

Kelley A. Rasmussen

1594071

1 From Please print and press hard  
Date 11-14-03 Sender's FedEx Account Number 2393-9762-0

Sender's Name Kelley Rasmussen Phone 602 387-5353

Company MATRIX INITIATIVES, INC

Address 2375 E CAMELBACK RD STE 500

City PHOENIX State AZ ZIP 85016-3489

2 Your Internal Billing Reference First 24 characters will appear on invoice.

3 To Recipient's Name Dr. Charles Hensley Phone 1562 733 7857

Company PRB Pharmaceutical

Address 200 Ocean Gate

Address Suite 1560

City Long Beach State CA ZIP 90802

By using this Airbill you agree to the service conditions on the back of this Airbill and in our current Service Guide, including terms that limit our liability.  
Questions? Visit our Web site at [fedex.com](http://fedex.com)  
or call 1.800.Go.FedEx® 800.463.3333.

0261354988

Sender's Copy

4a Express Package Service  
☐ FedEx Priority Overnight  
Next business morning  
☐ FedEx Standard Overnight  
Next business afternoon  
☐ FedEx First Overnight  
First business morning delivery to select locations

☒ FedEx 2Day  
Second business day  
☐ FedEx Express Saver  
Third business day  
FedEx Envelope rates not available. Minimum charge: One pound rate.

4b Express Freight Service  
☐ FedEx 1Day Freight\*  
Next business day  
☐ FedEx 2Day Freight  
Second business day  
☐ FedEx 3Day Freight  
Third business day

\* Call for Confirmation.

5 Packaging  
☐ FedEx Envelope\*  
☐ FedEx Pak\*  
Includes FedEx Small Pak, FedEx Large Pak, and FedEx Surety Pak.  
☐ Other

6 Special Handling  
☐ SATURDAY Delivery  
FedEx Priority Overnight and FedEx 2Day to select ZIP codes.  
Does this shipment contain dangerous goods?  
☐ No ☐ Yes ☐ Yes ☐ Yes  
Is an attached Shipper's Declaration not required?  
☐ No ☐ Yes ☐ Yes ☐ Yes  
Dry Ice, 5 Unit max ☐ Dry Ice ☐ Cargo Aircraft Only

7 Payment Bill to:  
☒ Sender  
Account No. In Section 1 and 2a  
☐ Recipient  
☐ Third Party  
☐ Credit Card  
☐ Cash/Check

FedEx Account No. \_\_\_\_\_  
Credit Card No. \_\_\_\_\_  
Total Packages \_\_\_\_\_ Total Weight \_\_\_\_\_ Total Declared Value\* \$ \_\_\_\_\_  
Exp. Date \_\_\_\_\_

8 Release Signature  
Your liability is limited to \$100 unless you declare a higher value. See back for details.  
Sign to authorize delivery without obtaining signature.  
FedEx Use Only

447




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 Search

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[Rates](#)
[Pickup](#)
[Locations](#)
[Transit Time](#)
[International](#)

## Track Shipments Detailed Results

☒ [Printable Version](#)
☐ [Quick Help](#)
**Tracking number**  
**Ship date**

843334212765  
Nov 14, 2003

**Delivery location**  
**Service type**

LONG BEACH CA  
FedEx 2Day Envelope

You can also track:

- [By Alternate](#)
- [By Email](#)
- [TCN \(Gov't\)](#)

Track other FedEx

- [FedEx Customer shipments](#)
- [FedEx Tracking shipments](#)
- [International](#)

**Wrong Address?**  
Reduce future mistakes  
[FedEx Address Checker](#)

Date/Time	Status	Location	Comments
Nov 20, 2003 12:11 pm	Package status	SIGNAL HILL CA	Pkg returned to shipper
9:19 am	Package status	SIGNAL HILL CA	Package in FedEx location
Nov 19, 2003 6:34 pm	Package status	SIGNAL HILL CA	Package in FedEx location
5:55 pm	Package status	SIGNAL HILL CA	Package in FedEx location
10:13 am	Delivery attempt	SIGNAL HILL CA	Customer not available or Business closed
8:16 am	On FedEx vehicle for delivery	SIGNAL HILL CA	
Nov 18, 2003 5:37 pm	Package status	SIGNAL HILL CA	Package in FedEx location
1:09 pm	Delivery attempt	SIGNAL HILL CA	Customer not available or Business closed
1:09 pm	Delivery attempt	SIGNAL HILL CA	Customer not available or Business closed
1:09 pm	Delivery attempt	SIGNAL HILL CA	Customer not available or Business closed
8:46 am	Delivery attempt	SIGNAL HILL CA	Customer not available or Business closed
8:46 am	Delivery attempt	SIGNAL HILL CA	Customer not available or Business closed
8:46 am	Delivery attempt	SIGNAL HILL CA	Customer not available or Business closed

[Signature proof](#)
[Track more shipments](#)

Email your detailed tracking results (optional)

Enter your email, submit up to three email addresses (separated by commas), add your message (optional), and click **Send email**.

From   
To 

Add a message to this email.

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[Locations](#)
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## Track Shipments Detailed Results

☐ [Printable Version](#)
☐ [Quick Help](#)

 Select another track:  Next You can also track:

- [By Alternate](#)
- [By Email](#)
- [TCN \(Gov't\)](#)

**Tracking number**  
**Ship date**

 843334212765  
Nov 14, 2003

**Delivery location**  
**Service type**

 LONG BEACH CA  
FedEx 2Day Envelope

Track other FedEx

- [FedEx Customer shipments](#)
- [FedEx Tracking shipments](#)
- [International](#)

Date/Time	Status	Location	Comments
Nov 20, 2003 9:19 am	Package status	SIGNAL HILL CA	Package in FedEx location
Nov 19, 2003 6:34 pm	Package status	SIGNAL HILL CA	Package in FedEx location
5:55 pm	Package status	SIGNAL HILL CA	Package in FedEx location
10:13 am	Delivery attempt	SIGNAL HILL CA	Customer not available or Business closed
8:16 am	On FedEx vehicle for delivery	SIGNAL HILL CA	
Nov 18, 2003 5:37 pm	Package status	SIGNAL HILL CA	Package in FedEx location
1:09 pm	Delivery attempt	SIGNAL HILL CA	Customer not available or Business closed
1:09 pm	Delivery attempt	SIGNAL HILL CA	Customer not available or Business closed
1:09 pm	Delivery attempt	SIGNAL HILL CA	Customer not available or Business closed
8:46 am	Delivery attempt	SIGNAL HILL CA	Customer not available or Business closed
8:46 am	Delivery attempt	SIGNAL HILL CA	Customer not available or Business closed
8:46 am	Delivery attempt	SIGNAL HILL CA	Customer not available or Business closed
7:52 am	On FedEx vehicle for delivery	SIGNAL HILL CA	

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Reduce future mistal  
[FedEx Address Check](#)

[Signature proof](#)
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[<< Track summary](#)

Email your detailed tracking results (optional)

 Enter your email, submit up to three email addresses (separated by commas), add your message (optional), and click **Send email**.

 From   
To 

Add a message to this email.



Express  
1 From Phonix 0000 0433 3421 2776

Date 11-14-03 Sender's FedEx Account Number 2393-9762-0  
Sender's Name Kelley Rasmussen Phone (602) 387-5353  
Company MATRIX INITIATIVES, INC  
Address 2375 E CAMELBACK RD STE 500  
City PHOENIX State AZ ZIP 85016-3489

2 Your Internal Billing Reference  
3 To  
Recipient's Name Dr. Charles Hensky Phone (310) 937-1405  
Company  
Address 312 N. Catalina Ave  
City Unit A State CA ZIP 90217

By using this label you agree to the service conditions on the back of this label and in our current Service Guide, including terms that limit our liability.  
Questions? Visit our Web site at [fedex.com](http://fedex.com) or call 1.800.Go.FedEx 800.463.3333.

4a Express Package Service

☐ FedEx Priority Overnight ☐ FedEx Standard Overnight ☐ FedEx First Overnight

☒ FedEx 2Day ☐ FedEx Express Saver

4b Express Freight Service

☐ FedEx 1Day Freight\* ☐ FedEx 2Day Freight ☐ FedEx 3Day Freight

5 Packaging ☐ FedEx Envelope\* ☐ FedEx Pak\* ☐ Other

6 Special Handling

☐ SATURDAY Delivery ☐ HOLD Weekday at FedEx Location ☐ HOLD Saturday at FedEx Location

☐ No ☐ Yes ☐ As per attached Shipper's Declaration ☐ Dry Ice ☐ Dry Ice, UN 1845

7 Payment Bill to ☒ Sender ☐ Recipient ☐ Third Party ☐ Credit Card ☐ Cash/Check

Total Packages 1 Total Weight 1.00 Total Declared Value\* 0.00

8 Release Signature 447

0261354988


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[Locations](#)
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## Track Shipments Detailed Results

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[Quick Help](#)

 Select another track: 
[Previous](#)

You can also track:

- [By Alternate](#)
- [By Email](#)
- [TCN \(Gov't\)](#)

Tracking number 843334212776  
 Signed for by E.HENSLEY  
 Ship date Nov 14, 2003  
 Delivery date/Time Nov 18, 2003 11:48 am

Delivered to  
 Delivery location  
 Service type

Recipient  
 REDONDO BEACH CA  
 FedEx 2Day Envelope

Track other FedEx

- [FedEx Customer](#)
- [FedEx Tracking](#)
- [FedEx Tracking](#)
- [International](#)

Date/Time	Status	Location	Comments
Nov 18, 2003 11:48 am	Delivered	REDONDO BEACH CA	
Nov 17, 2003 8:05 am	On FedEx vehicle for delivery	HAWTHORNE CA	
7:51 pm	Package status	HAWTHORNE CA	Package in FedEx location
12:25 pm	Delivery attempt	REDONDO BEACH CA	Customer not available or Business closed
8:28 am	On FedEx vehicle for delivery	HAWTHORNE CA	
7:03 am	Arrived at FedEx Destination Location	HAWTHORNE CA	
Nov 15, 2003 6:44 pm	Arrived at Sort Facility	LOS ANGELES CA	
3:56 pm	Left FedEx Sort Facility	MEMPHIS TN	
12:36 pm	Left FedEx Sort Facility	MEMPHIS TN	
10:06 am	Arrived at Sort Facility	MEMPHIS TN	
7:52 am	Left FedEx Ramp	PHOENIX AZ	
Nov 14, 2003 11:17 pm	Package status	PHOENIX AZ	Package in FedEx location
8:43 pm	Package status	PHOENIX AZ	Package in FedEx location

[Wrong Address?](#)  
 Reduce future mistakes  
[FedEx Address Checker](#)

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[<< Track summary](#)

Email your detailed tracking results (optional)

Enter your email, submit up to three email addresses (separated by commas), add your message (optional), and click **Send email**.

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 To

Add a message to this email.



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FedEx Express  
Customer Support Trace  
3875 Airways Boulevard  
Module H, 4th Floor  
Memphis, TN 38116

U.S. Mail: PO Box 727  
Memphis, TN 38194-4643

Telephone: 901-369-3600

11/21/2003

Dear Customer:

Here is the proof of delivery for the shipment with tracking number **843334212776**. Our records reflect the following information.

---

**Delivery Information:**

Signed For By: E.HENSLEY

Delivery Location: 312 N CATALINA A

Delivery Date: November 18, 2003

Delivery Time: 1148

---

**Shipping Information:**

Tracking No: 843334212776

Ship Date: November 14, 2003

**Recipient:**

DR CHARLES HENSLEY

312 N CATALINA AVE UNIT A  
REDONDO BEACH, CA 90277  
US

**Shipper:**

KELLEY RASMUSSEN  
MATRIX INITIATIVES, INC  
2375 E CAMELBACK RD STE 5  
PHOENIX, AZ 850163489  
US

**Shipment Reference Information:**

Thank you for choosing FedEx Express. We look forward to working with you in the future.

FedEx Worldwide Customer Service

1-800-Go-FedEx®

Reference No.: R2003112100101057622

Info Request Document

**Fed**

USA Airbill

Express

FedEx  
Tracking  
Number

8433 3421 1920

1 From Please print and press hard.

Date 12-11-03

Sender's FedEx  
Account Number

2393-9762-0

Sender's  
Name

Kelley Rasmussen

Phone (602) 387-5353

Company

MATRIX INITIATIVES, INC

Address 2375 E CAMELBACK RD STE 500

City PHOENIX

State AZ

ZIP 85016-3489

2 Your Internal Billing Reference

First 3 characters will appear on invoice.

3 To

Recipient's  
Name

Dr. Charles Hensley

Phone

602 983-0020

Company

PRB Pharmaceuticals, Inc.

Address

300 OceanGate Blvd.

To "HOLD" at FedEx location, print FedEx address.

We cannot deliver to P.O. boxes or P.O. ZIP codes.

Address

Suite 910

City

Long Beach

State

CA

ZIP 90802

Sender's Copy

4a Express Package Service

Packages up to 150 lbs.

Delivery commitment may be later in some areas.

☒ FedEx Priority Overnight

Next business morning

☐ FedEx Standard Overnight

Next business afternoon

☐ FedEx First Overnight

First business morning

Delivery to select locations.

☐ FedEx 2Day

Second business day

☐ FedEx Express Saver

Third business day

FedEx Envelope (not available. Minimum charge, this-pound rate)

4b Express Freight Service

Packages over 150 lbs.

Delivery commitment may be later in some areas.

☐ FedEx 1Day Freight\*

Next business day

☐ FedEx 2Day Freight

Second business day

☐ FedEx 3Day Freight

Third business day

\* Call for Confirmation.

5 Packaging

☐ FedEx Envelope\*

☐ FedEx Pak\*

Includes FedEx Small Pak, FedEx Large Pak, and FedEx Surety Pak.

☐ Other

\* Declared value limit \$500

6 Special Handling

☐ SATURDAY Delivery

☐ HOLD Weekday

at FedEx Location

☐ HOLD Saturday

at FedEx Location

☐ FedEx Priority Overnight and FedEx 2Day to select ZIP codes

☐ FedEx First Overnight\*\*

☐ FedEx Priority Overnight and FedEx 2Day to select locations

Does this shipment contain dangerous goods?

☐ No

☐ Yes

☐ Yes

☐ Yes

☐ Yes

☐ Yes

☐ Yes

☐ No

☐ Yes

☐ Yes

☐ Yes

☐ Yes

☐ Yes

☐ Yes

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☐ Yes

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☐ Yes

☐ Yes

☐ Yes

☐ Yes

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447


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[Rates](#)
[Pickup](#)
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[Transit Time](#)
[International](#)

## Track Shipments Detailed Results

☐ [Printable Version](#) ☐ [Quick Help](#)

Tracking number 843334211920  
Signed for by CATHY VALESKO  
Ship date Dec 11, 2003  
Delivery date/Time Dec 12, 2003 1:23 pm

Delivery location LONG BEACH CA  
Service type Priority Envelope

You can also track:

- By Alternate
- By Email
- TCN (Gov't)

Track other FedEx

- [FedEx Customer shipments](#)
- [FedEx Trade shipments](#)
- [International](#)

Date/Time	Status	Location	Comments
Dec 12, 2003 1:23 pm	Delivered	LONG BEACH CA	No signature required - release waiver on file
1:23 pm	Delivered	LONG BEACH CA	No signature required - release waiver on file
9:30 am	Delivery attempt	LONG BEACH CA	Customer not available or Business closed
8:03 am	On FedEx vehicle for delivery	SIGNAL HILL CA	
7:36 am	Arrived at FedEx Destination Location	SIGNAL HILL CA	
4:08 am	Arrived at Sort Facility	LOS ANGELES CA	
4:05 am	Left FedEx Sort Facility	LOS ANGELES CA	
Dec 11, 2003 2:05 am	Left FedEx Sort Facility	OAKLAND CA	
11:03 pm	Arrived at Sort Facility	OAKLAND CA	
8:15 pm	Left FedEx Ramp	PHOENIX AZ	
7:24 pm	Arrived at FedEx Ramp	PHOENIX AZ	
4:36 pm	Left FedEx Origin Location	PHOENIX AZ	
4:23 pm	Picked up by FedEx	PHOENIX AZ	

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[Reduce future mistakes.](#)  
[FedEx Address Checker](#)

[Signature proof](#)
[Track more shipments](#)

Email your detailed tracking results (optional)

Enter your email, submit up to three email addresses (separated by commas), add your message (optional), and click **Send email**.

From   
To

Add a message to this email.

**Send email**

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FedEx Express  
Customer Support Trace  
3875 Airways Boulevard  
Module H, 4th Floor  
Memphis, TN 38116

U.S. Mail: PO Box 727  
Memphis, TN 38194-4643

Telephone: 901-369-3600

12/15/2003

Dear Customer:

Here is the proof of delivery for the shipment with tracking number 843334211920. Our records reflect the following information.

---

**Delivery Information:**

---

Signed For By: C.ATHY VALESCO



Delivery Location: 300 OCEANGATE 910

Delivery Date: December 12, 2003

Delivery Time: 1323

---

**Shipping Information:**

---

Tracking No: 843334211920

Ship Date: December 11, 2003

**Recipient:**

DR CHARLES HENSLEY  
PRB PHARMACEUTICALS INC  
300 OCEANGATE BLVD STE 91  
LONG BEACH, CA 90802  
US

**Shipper:**

KELLEY RASMUSSEN  
MATRIX INITIATIVES, INC  
2375 E CAMELBACK RD STE 5  
PHOENIX, AZ 850163489  
US

**Shipment Reference Information:**

Thank you for choosing FedEx Express. We look forward to working with you in the future.

FedEx Worldwide Customer Service

1-800-Go-FedEx®

Reference No.: R2003121500113080160



12-11-03

To Whom It May Concern:

I am currently trying to contact Dr. Charles Hensley in regards to patent documents that require his signature. If you could please either have him contact me directly, or supply me with the address where I could Fed-Ex the documents to him for signature, I would greatly appreciate it.

Thank you for your time and consideration,

*Kelley A. Rasmussen*  
Administrative Assistant  
Matrixx Initiatives, Inc.  
2375 E. Camelback Rd.  
Suite 500  
Phoenix, AZ 85016  
602-387-5078

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**Kelley Rasmussen**

---

**From:** System Administrator [postmaster@exchprod.usa.net]  
**Sent:** Thursday, December 11, 2003 10:48 AM  
**To:** Kelley Rasmussen  
**Subject:** Undeliverable: Information request for Dr. Charles Hensley



details.txt (303 B) Information request  
for Dr. Ch...

Your message

**To:** info@prbpharmaceuticals.com  
**Subject:** Information request for Dr. Charles Hensley  
**Sent:** Thu, 11 Dec 2003 10:48:00 -0700

did not reach the following recipient(s):

info@prbpharmaceuticals.com on Thu, 11 Dec 2003 10:48:12 -0700

The e-mail system was unable to deliver the message, but did not report a specific reason. Check the address and try again. If it still fails, contact your system administrator.

<gateout02.mbox.net #5.0.0>

# MATRIX



Matrixx Initiatives, Inc.  
2375 East Camelback Road  
Suite 500  
Phoenix, AZ 85016

Telephone: 602-387-5353  
Fax: 602-387-4112

January 8, 2004

Dr. Charles Hensley  
312 N. Catalina Ave.  
Unit A  
Redondo, CA 90277

Dear Dr. Hensley,

Enclosed are patent application documents requiring your signature. Please sign and have notarized where indicated. Feel free to contact me via e-mail at [krasmussen@matrixxinc.com](mailto:krasmussen@matrixxinc.com), or call me directly at 602-387-5078 with any questions or concerns. Please return the documents in the enclosed envelope by January 23, 2004. If you cannot have the documents back by then, please contact me.

Thank you for your time and consideration on this matter,

A handwritten signature in cursive script that reads "Kelley A. Rasmussen".

Kelley A. Rasmussen  
Matrixx Initiatives, Inc.  
2375 E. Camelback Rd.  
Suite 500  
Phoenix, AZ 85016  
602-387-5078 (direct line)

**USA AIRMAIL**  
Express

FedEx Tracking Number

8433 3421 2169

1 From *Please print and press hard.*  
Date 1-8-04 Sender's FedEx Account Number 2393-9762-0

Sender's Name Kelley Rasmussen Phone (602) 387-5253

Company MATRIX INITIATIVES, INC

Address 2375 E CAMELBACK RD STE 500

City PHOENIX State AZ ZIP 85016-3489  
OPTIONAL

2 Your Internal Billing Reference  
First 34 characters will appear on invoice.

3 To Recipient's Name Dr. Charles Hensley Phone 310 937-1405

Company

Address 312 N. Catalina Ave.

To "HOLD" at FedEx location print FedEx address.

Address Unit A

City Redondo State CA ZIP 90277

By using this label you agree to the service conditions on the back of this label and in our current Service Guide, including terms that limit our liability.  
Questions? Visit our Web site at [fedex.com](http://fedex.com)  
or call 1.800.Go.FedEx® 800.463.3339.

0261354988

**Sender's Copy**

4a Express Package Service  
☒ FedEx Priority Overnight  
Next business morning  
☐ FedEx Standard Overnight  
Next business afternoon  
☐ FedEx First Overnight  
Early morning delivery to select locations

☐ FedEx 2Day  
Second business day  
☐ FedEx Express Saver  
Third business day  
FedEx Envelope rate not available. Minimum charge: One pound rate.

4b Express Freight Service  
☐ FedEx 1Day Freight\*  
Next business day  
☐ FedEx 2Day Freight  
Second business day  
☐ FedEx 3Day Freight  
Third business day

\* Call for Confirmation.  
5 Packaging  
☐ FedEx Envelope\*  
☐ FedEx Pak\*  
Includes FedEx Small Pak, FedEx Large Pak, and FedEx Sturdy Pak.  
☐ Other

6 Special Handling  
☐ SATURDAY Delivery  
HOLD Saturday at FedEx Location  
☐ HOLD Weekday at FedEx Location  
HOLD Saturday at FedEx Location  
FedEx Priority Overnight and FedEx 2Day to select ZIP codes.  
Does this shipment contain dangerous goods?

☐ No ☐ Yes  
As per attached Shipper's Declaration not required  
Dangerous Goods (including Dry Ice) cannot be shipped in FedEx packaging.  
☐ Dry Ice  
Dry Ice only 1945  
☐ Cargo Aircraft Only

7 Payment Bill to:  
☒ Sender  
FedEx Billing Section  
1-800-463-3339  
☐ Recipient  
☐ Third Party  
☐ Credit Card  
☐ Cash/Check

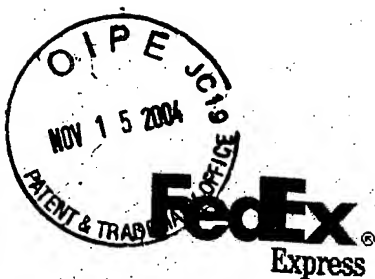
FedEx Acc. No.  
Credit Card No.  
Total Packages  
Total Weight  
Total Declared Value  
\$ .00  
FedEx Use Only

8 Release Signature  
Sign to authorize delivery without obtaining signature.

By signing you authorize us to deliver this shipment without obtaining a signature and agree to indemnify and hold us harmless from any resulting claims.

447

SB - Rev. Date 3/01 - Per #153510-©1994-2001 FedEx - PRINTED IN U.S.A.



FedEx Express  
Customer Support Trace  
3875 Airways Boulevard  
Module H, 4th Floor  
Memphis, TN 38116

U.S. Mail: PO Box 727  
Memphis, TN 38194-4643

Telephone: 901-369-3600

1/12/2004

Dear Customer:

Here is the proof of delivery for the shipment with tracking number **843334212169**. The shipment was released without signature as authorized by the shipper/recipient.

---

**Delivery Information:**

---

**Signed For By:** 3785346  
**Delivery Location:** 312 CATALINA  
**Delivery Date:** January 9, 2004  
**Delivery Time:** 1437

---

**Shipping Information:**

---

**Tracking No:** 843334212169

**Ship Date:** January 8, 2004

**Recipient:**  
DR CHARLES HENSLEY

312 N CATALINA AVE UNIT A  
REDONDO BEACH, CA 90277  
US

**Shipper:**  
KELLEY RASMUSSEN  
MATRIX INITIATIVES, INC  
2375 E CAMELBACK RD STE 5  
PHOENIX, AZ 850163489  
US

**Shipment Reference Information:**

Thank you for choosing FedEx Express. We look forward to working with you in the future.

FedEx Worldwide Customer Service  
1-800-Go-FedEx®  
Reference No.: R2004011200107698132

Track Shipments  
Detailed Results[? Quick Help](#)

Tracking number 843334212169  
Signed for by 3785346  
Ship date Jan 8, 2004  
Delivery date/Time Jan 9, 2004 2:37 pm

Delivered to  
Delivery location  
Service type

Recipient  
REDONDO BEACH CA  
Priority Envelope

Date/Time	Status	Location	Comments
Jan 9, 2004	2:37 pm Delivered	REDONDO BEACH CA	No signature required - release waiver on file
	2:37 pm Delivered	REDONDO BEACH CA	No signature required - release waiver on file
	7:55 am On FedEx vehicle for delivery	HAWTHORNE CA	
	7:30 am Arrived at FedEx Destination Location	HAWTHORNE CA	
	7:30 am Arrived at FedEx Destination Location	HAWTHORNE CA	
	3:54 am Left FedEx Sort Facility	OAKLAND CA	
	3:33 am Arrived at Sort Facility	LOS ANGELES CA	
Jan 8, 2004	11:27 pm Arrived at Sort Facility	OAKLAND CA	
	8:35 pm Left FedEx Ramp	PHOENIX AZ	
	7:47 pm Arrived at FedEx Ramp	PHOENIX AZ	
	5:31 pm Left FedEx Origin Location	PHOENIX AZ	
	4:15 pm Picked up by FedEx	PHOENIX AZ	

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From   
To

Add a message to this email.

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# Fed Express USA Airbill

Tracking Number

8433 3421 2353

1 From Please print and press hard  
Date 1-19-04 Sender's FedEx Account Number 2393-9762-0

Sender's Name Kelley Rasmussen Phone (602) 387-5353

Company MATRIXIX INITIATIVES, INC

Address 2375 E CAMELBACK RD STE 500

City PHOENIX State AZ ZIP 85016-3489

2 Your Internal Billing Reference  
First 24 characters will appear on invoice.

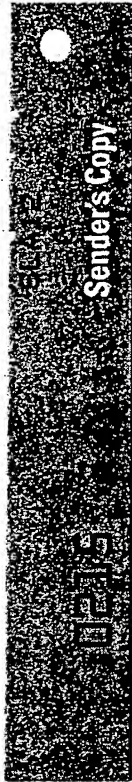
3 To Recipient's Name Dr. Charles Hensley Phone (502) 733-7557

Company PRB Pharmaceutical

Address 200 Ocean Gate

Address Suite 1560

City Long Beach State CA ZIP 90277



4a Express Package Service  
Delivery commitment may be later in some areas.  
☒ FedEx Priority Overnight ☐ FedEx Standard Overnight ☐ FedEx First Overnight  
Next business morning Next business afternoon Earliest next business morning delivery to select locations

☐ FedEx 2Day ☐ FedEx Express Saver  
Second business day Third business day  
FedEx Envelope rate not available. Minimum charge: One-pound rate

4b Express Freight Service  
Delivery commitment may be later in some areas.  
☐ FedEx 1Day Freight\* ☐ FedEx 2Day Freight ☐ FedEx 3Day Freight  
Next business day Second business day Third business day  
\* Call for Confirmation.

5 Packaging  
☐ FedEx Envelope\* ☐ FedEx Pak\* ☐ Other  
Includes FedEx Small Pak, FedEx Large Pak, and FedEx Surety Pak.

6 Special Handling  
☐ SATURDAY Delivery ☐ HOLD Weekday ☐ HOLD Saturday  
FedEx Priority Overnight and FedEx 2Day to select ZIP codes at FedEx Location at FedEx Location  
FedEx 1Day, 2Day, and 3Day to select ZIP codes  
Does this shipment contain dangerous goods? ☐ Yes ☐ No ☐ As per attached Shipper's Declaration not required  
Dangerous Goods (including Dry Ice) cannot be shipped in FedEx packaging. Dry Ice UN 1845 ☐ Dry Ice ☐ Cargo Aircraft Only

7 Payment Bill to:  
☒ Sender ☐ Recipient ☐ Third Party ☐ Credit Card ☐ Cash/Check  
FedEx Acct. No. ☐ Bill to addressee ☐ Bill to shipper  
Credit Card No. ☐ Bill to shipper

Total Packages Total Weight Total Declared Value\*  
Exo. Date

8 Release Signature Sign to authorize delivery without obtaining signature.  
Your liability is limited to \$100 unless you declare a higher value. See back for details.  
FedEx Use Only

By using this Airbill you agree to the service conditions on the back of this Airbill and in our current Service Guide, including terms that limit our liability.

Printed Name: Dr. Charles Hensley

Signature: [Signature]

Printed Name: Kelley Rasmussen

Signature: [Signature]

Printed Name: [Name]

447


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**Tracking number** 843334212353  
**Signed for by** G.FITZGIVEN  
**Ship date** Jan 19, 2004  
**Delivery date/time** Jan 20, 2004 2:30 pm

**Delivered to**  
**Delivery location**  
**Service type**

**Receipt/Fmt desk**  
 REDONDO BEACH CA  
 Priority Envelope

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Date/time	Status	Location	Comments
Jan 20, 2004	2:30 pm Delivered	REDONDO BEACH CA	Delivered to address other than recipient
	2:30 pm Delivered	REDONDO BEACH CA	Delivered to address other than recipient
	2:30 pm Delivery attempt	REDONDO BEACH CA	Customer not available or Business closed
12:40 pm	On FedEx vehicle for delivery	SIGNAL HILL CA	
11:38 am	Package status	SIGNAL HILL CA	Package at station - awaiting courier
11:37 am	Arrived at FedEx Destination Location	SIGNAL HILL CA	
8:20 am	On FedEx vehicle for delivery	HAWTHORNE CA	
7:47 am	Arrived at FedEx Destination Location	HAWTHORNE CA	
4:16 am	Left FedEx Sort Facility	LOS ANGELES CA	
3:26 am	Arrived at Sort Facility	LOS ANGELES CA	

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From   
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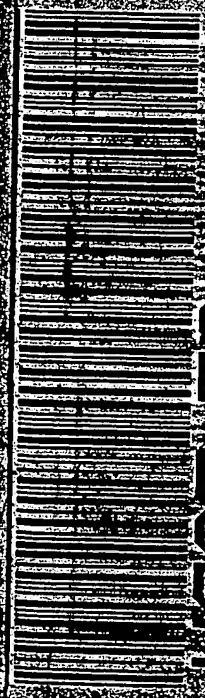
See back for peel and stick application instructions

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Form with multiple fields and handwritten entries:

- NAME: [illegible]
- ADDRESS: 1000 [illegible]
- CITY: [illegible]
- STATE: [illegible]
- ZIP: [illegible]
- PHONE: [illegible]
- DATE: [illegible]
- TIME: [illegible]
- INITIALS: [illegible]
- Signature: [illegible]



90802 -CA-US

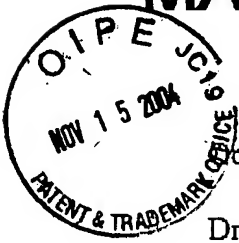
QZ LGBA

EXPRESS  
TRK 8433 3421 2353  
FORM 20 JAN 04  
A2

**MATRIX**

Matrixx Initiatives, Inc.  
4742 North 24th Street  
Suite 455  
Phoenix, AZ 85016

Telephone: 602-385-8888  
Facsimile: 602-385-8850



October 14, 2004

Dr. Charles Hensley  
312 N. Catalina Avenue  
Unit A  
Redondo, California 90277

200 Ocean Gate  
Suite 1560  
Long Beach, CA 90277

Re: U.S. Patent Application  
Title: Composition and Method for Moisturizing Nasal Tissue  
Applicant: Zicam, LLC  
Serial No.: 10/243,637  
Filing Date: September 12, 2003

Dear Dr. Hensley,

In reference to U.S. Patent Application No. 10/243,637, entitled "Composition and Method for Moisturizing Nasal Tissue," filed September 12, 2003, enclosed are the following for your review and execution:

1. A full and complete copy of the above-referenced patent application as originally filed, including all pages of the specification, all claims, and all drawing figures;
2. Declaration of Patent Application.

We ask that you please sign and return via the enclosed addressed, prepaid envelope the Declaration of Patent Application by October 22, 2004, for filing with the United States Patent and Trademark Office. The enclosed copy of the patent application, as previously provided to you, is for your file.

Should you have any questions or comments, please call 602-385-8888.

Thank you



Kelley A. Rasmussen  
Matrixx Initiatives, Inc.  
Zicam, LLC.

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Tracking number 791362571989  
 Ship date Oct 14, 2004  
 Reference Charles Hensley - Legal  
 Delivery location Long Beach, CA  
 Service type Standard Envelope  
 Weight 0.5 lbs.

Status Delivery exception

Date/Time	Activity	Location	Details
Oct 20, 2004 7:46 PM	Package returned to shipper	SIGNAL HILL, CA	Return tracking number: 636058096992
	5:09 PM At local FedEx facility	SIGNAL HILL, CA	
Oct 19, 2004 8:07 AM	At local FedEx facility	SIGNAL HILL, CA	
Oct 18, 2004 5:47 PM	At local FedEx facility	SIGNAL HILL, CA	
	10:45 AM Delivery exception	SIGNAL HILL, CA	Incorrect address
	7:46 AM On FedEx vehicle for delivery	SIGNAL HILL, CA	
Oct 16, 2004 8:03 AM	At local FedEx facility	SIGNAL HILL, CA	
Oct 15, 2004 3:20 PM	At local FedEx facility	SIGNAL HILL, CA	
	3:19 PM Delivery exception	SIGNAL HILL, CA	Customer not available or business closed
	12:14 PM On FedEx vehicle for delivery	SIGNAL HILL, CA	
	11:52 AM Delivery exception	SIGNAL HILL, CA	Package at station, arrived after courier dispatch
	11:50 AM At local FedEx facility	SIGNAL HILL, CA	
	6:57 AM Delivery exception	HAWTHORNE, CA	Incorrect address
	3:49 AM Departed FedEx location	OAKLAND, CA	
	3:47 AM Arrived at FedEx location	LOS ANGELES, CA	
Oct 14, 2004 11:54 PM	Arrived at FedEx location	OAKLAND, CA	
	4:01 PM Left origin	PHOENIX, AZ	
	4:00 PM Picked up	PHOENIX, AZ	
	3:58 PM Package data transmitted to FedEx; package not in FedEx possession		

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From: Origin ID: (602)385-8880  
Matrixx Initiatives Inc  
MATRIXX INITIATIVES, INC  
4742 North 24th Street  
Suite 455  
PHOENIX, AZ 85016

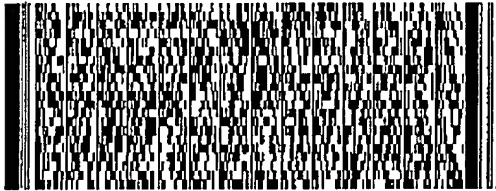


CLASS 04090606

SHIP TO: (310)937-1405  
Dr. Charles Hensley

BILL SENDER

200 Ocean Gate  
Suite 1560  
Long Beach, CA 90277



Ship Date: 14OCT04  
Actual Wgt: 1 LB  
System#: 2523460/INET1900  
Account#: S

REF: Charles Hensley - Legal



Delivery Address Bar Code

STANDARD OVERNIGHT

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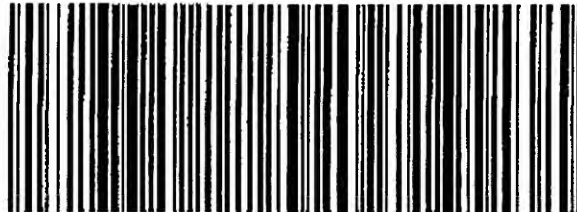
TRK# 7913 6257 1989

FORM  
0201Deliver By:  
15OCT04

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WZ AVXA



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Memphis, TN 38194-4843

Telephone 801-389-3600



November 11, 2004

KELLY RASMUSSEN  
(602) 385-8850

Dear KELLY RASMUSSEN:

Our records reflect the following delivery information for the shipment with the tracking number 792113421116. The information is incomplete and we regret the inconvenience this may cause. However, as stated in the FedEx Service Guide, we assume no liability for our inability to provide a copy of the delivery record.

**Delivery Information:**

Signed For By: E.HENSLEY

Delivered to: 312 N. CATALINA AVENUE

Delivery Date: October 15, 2004

Delivery Time: 01:18 PM

**Shipping Information:**

**Shipment Reference Information: CHARLES HENSLEY -LEGAL**

Tracking No: 792113421116

Ship Date: October 14, 2004

Shipper: MATRIXX INITIATIVES INC  
MATRIXX INITIATIVES, INC  
4742 NORTH 24TH STREET  
SUITE 455  
PHOENIX, AZ 85016  
US

Recipient: DR. CHARLES HENSLEY  
  
312 N. CATALINA AVENUE  
UNIT A  
REDONDO BEACH, CA 90277  
US

Thank you for choosing FedEx Express. We look forward to working with you in the future.

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